

## Adversary Proceeding Case Opening

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff and defendant and basic statistical data. The lead event is incorporated into this process and will not need to be docketed separately.

- STEP 1** Click the Adversary hypertext link on the CM/ECF main menu bar. (See Figure 1.)

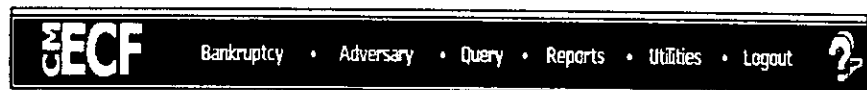


Figure 1

- STEP 2** The ADVERSARY EVENTS screen displays. (See Figure 2.)

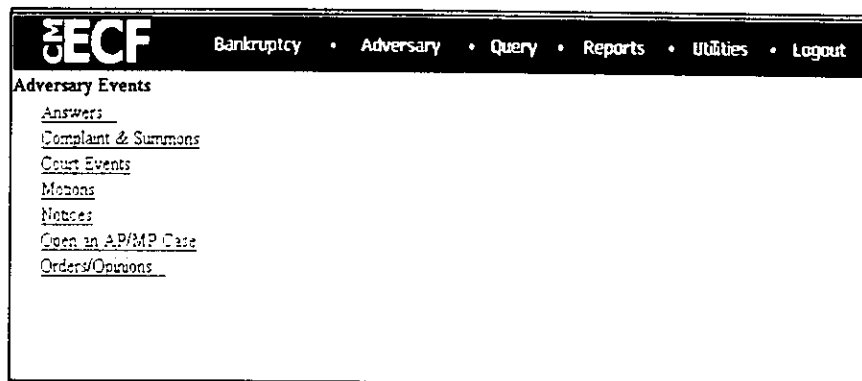


Figure 2

- ◆ Click the Open an AP/MP Case hypertext link.

STEP 3 The **CASE DATA** screen displays. (See Figure 3.)

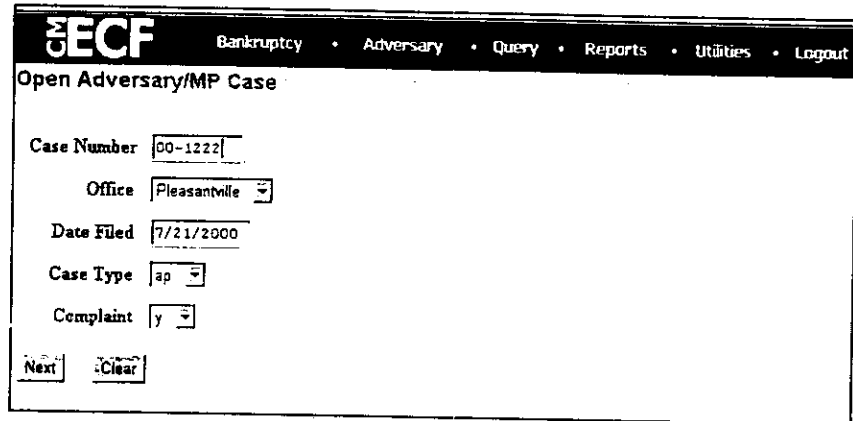


Figure 3

- ◆ If necessary, click in the **Case Number** field. Enter the adversary proceeding number in the format yy-nnnn, including the hyphen.
  - If the case number is generated automatically, skip the case number box and continue entering the other case information as necessary.
- ◆ Select the **Office** from the drop down box.
- ◆ The current date is displayed in the **Date Filed** box.
  - To backdate this filing, enter the correct date in the format mm/dd/yyyy or mm/dd/yy, including the forward slashes.
- ◆ The **Case Type** values are "ap" for adversary proceeding and "mp" for miscellaneous proceeding. Accept the default of "ap".
- ◆ The **Complaint** field indicates whether a Complaint is the lead event for this proceeding. If a Complaint initiated this proceeding, leave this field set to y. If another document, such as a Notice of Removal, was filed instead, select n.
- ◆ When this screen is correct, click **[Next]**.

**STEP 4** The **PARTY SEARCH** screen appears. (See Figure 4.)

The screenshot shows the ECF (Electronic Case Filing) interface. At the top, there is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below this, the title 'Open Adversary/MP Case' is displayed. The main section is titled 'Search for a party' and contains several input fields: 'SSN', 'Tax Id', and 'Last/Business name'. The 'Last/Business name' field contains the text 'Financial'. Below these fields are two buttons: 'Search' and 'Clear'. At the bottom of the search area, there is a button labeled 'End party selection'.

Figure 4

- ◆ Before adding a party, it is recommended that one search the database for the filer. One can search by Social Security Number, Tax Identification Number, Last Name or Business Name.
- The entire business name is stored in the **Last/Business name** field. The field size is 80 characters.

**Search Hints:**

- Enter one field of data for each search.
- A minimum of two characters must be entered in the Last Name field.
- Format Social Security Number or Tax ID with hyphens.
- Searching is case sensitive. (Smith, not smith)
- Include punctuation. (O'Brien, Zeta-Jones)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.

- ◆ Enter the plaintiff's last name in the **Last/Business name** field and click **[Search]**. In Figure 4 we have entered the first word or the plaintiff's name (Financial).

## STEP 5

The **SEARCH RESULTS** screen appears. (See Figure 5.)

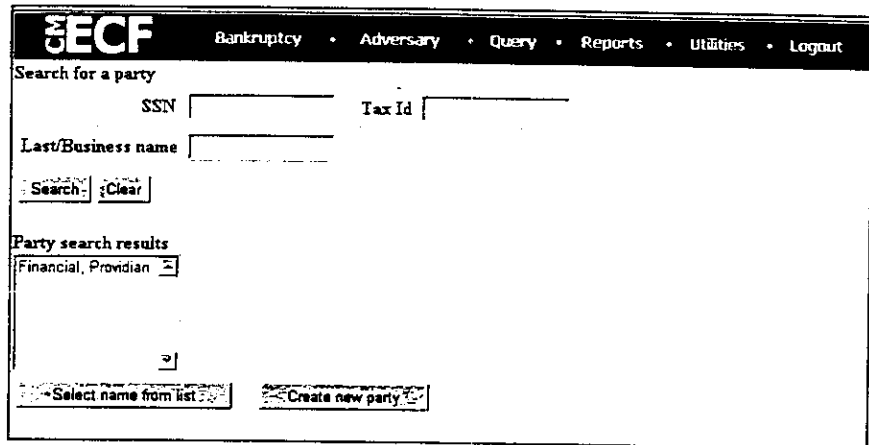


Figure 5a

**NOTE:** If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the **[Select Name From List]** button. (See Figure 5b.)

- ◆ In Figure 5b the only party on the database matching the search criteria was Providian Financial. Since our party, Financial Services is not on the list, click the **[Create New Party]** button.

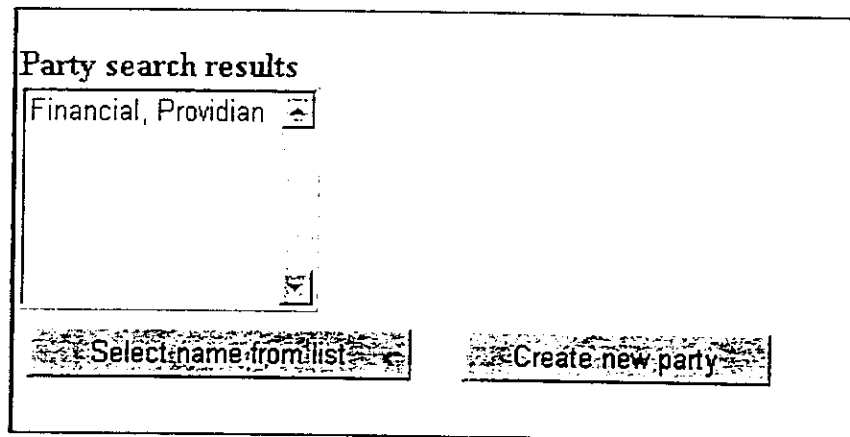


Figure 5b

**NOTE:** Your name search may find more than one record having the same name you entered as shown in Figure 5c. Clicking on each of the names will display a window showing the party's address information for verification.

If none of the addresses are correct for this party, you can either 1.) modify the address (for this case only) on the following PARTY INFORMATION screen, or 2.) click on the **[Create new party]** button to add a new person record with this address.

The screenshot shows the ECF search interface. At the top, there's a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below this is a search section with fields for SSN, Tax ID, and Last/Business name. A search button is present. To the right, a pop-up window titled '(Person Address) - Netscape' displays the address: American Express, 3091 Sizemore Rd., Dallas, TX 75355. Below the search section, there's a 'Party search results' list showing 'American Express' as a result. At the bottom, there are buttons for 'Select party from list' and 'Create new party'.

Figure 5c

**STEP 6** The PARTY INFORMATION screen appears. (See Figure 6.)

- ◆ Enter the plaintiff's Name and Tax ID or SSN information in the appropriate boxes. Follow local court conventions for address information for parties.

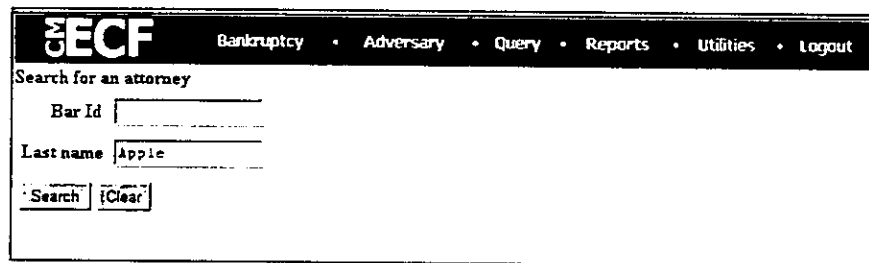
The screenshot shows the ECF Party Information screen. It has a navigation bar at the top with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main section is titled 'Party Information' and contains various input fields for party details. The fields are organized as follows: Last name (Financial Services, Inc), First name, Middle name, Generation, Title, SSN (ZZZ-11-1234), Tax ID (39-2329380), Office, Address 1, Address 2, Address 3, City, State, Zip, County, Country, Phone, Fax, E-mail, ProSe (no), and Role (Plaintiff (pla pty)). At the bottom, there are buttons for 'Attorney', 'Alias', 'Review', 'Add all attorneys and aliases before clicking the Submit button', 'Submit', 'Cancel', and 'Clear'.

Figure 6

- ◆ Expand the **Role Type** selection pick list by clicking on the down arrow ▼ and select Plaintiff.
- ◆ The **Party Text** field is used for further party description, such as A California Corporation or Trustee for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.
- ◆ Click on the **[Attorney]** button on the **PARTY INFORMATION** screen. (See Figure 6.)

**STEP 7**

The **ATTORNEY SEARCH** screen allows you to retrieve the attorney record by either State Bar ID or Last Name (or partial Last Name) on the **SEARCH FOR ATTORNEY** screen. (See Figure 7.)



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Search for an attorney

Bar Id

Last name

Figure 7

- ◆ This exercise illustrates how one could search for the attorney Cornelius Appleby. The search clue entered in the Last Name field is the beginning of his last name.
- ◆ Click on **[Search]**.

**STEP 8**

The **ATTORNEY SEARCH RESULTS** screen will display all the matches for the search clue you entered. (See Figure 8a.)

The screenshot shows the ECF web interface. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below this is a section titled "Search for an attorney" with input fields for "Bar Id" and "Last name", and buttons for "Search" and "Clear". Below the search fields is a section titled "Attorney search results" which contains a list box showing "Appleby, Cornelius". At the bottom of the results section are two buttons: "Select name from list" and "Create new attorney".

Figure 8a

**NOTE:** Your search may find more than one person having the same name as shown in Figure 8b. Clicking on each of the names will display a window with the person's address information for verification.

If none of the addresses are correct for your attorney, you can either 1.) modify the address (for this case only) on the following ATTORNEY INFORMATION screen, or 2.) click on the **[Create new attorney]** button to add a new person record with this address to the court's attorney roll. Follow local guidelines.

This screenshot shows the same ECF interface as Figure 8a, but with a pop-up window titled "(Person Address) - Netscape" open. The pop-up window displays the following information: "Benjamin Matlock, Jr.", "Bar Id:", "Matlock & Matlock Law Offices", "3001 Forrester Circle", and "Pleasantville, IA 76333". In the "Attorney search results" list box, two entries are visible: "Matlock, Benjamin" and "Matlock, Benjamin", with the second entry highlighted by a mouse cursor. The "Select name from list" and "Create new attorney" buttons are still visible at the bottom.

Figure 8b

- ◆ When your name appears, highlight it with your mouse and click on **[Select Name From List]**.

**STEP 9**

The **ATTORNEY INFORMATION** screen displays the master attorney record from the court attorney roll. (See Figure 9a.)

The screenshot shows the ECF system interface. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below this is the title "Attorney Information (Party Financial Services, Inc.)" and the name "Cornelius Appleby" with "Bar Id: IN 97912" and "Bar Status: Active". The form contains several fields: Office (Black, Thorndike and Appl), Address 1 (1923 E. Walnut Street), Address 2 (empty), Address 3 (empty), City (Indianapolis), State (IN), Zip (46204), Country (empty), Phone (empty), Fax (empty), E-mail (empty), and Lead attorney (yes). At the bottom are buttons for "Add attorney", "Cancel attorney", and "Clear". A note on the right says: "Click the Add attorney or Cancel attorney button to return to the Party screen and add other attorneys, add aliases, or submit all information for this party."

Figure 9a

- ◆ Since your attorney record can accommodate only one address, if the address for this case should be different, make the changes to this screen. This will change professional and mailing information FOR THIS CASE ONLY.
- ◆ After verifying this information, click **[Add Attorney]** to associate this record with your plaintiff.
- ◆ The **ATTORNEY INFORMATION** screen again appears. (See Figure 9b.) At this time you could click on the **[Review]** button to verify attorney and alias information for this party. Figure 9b shows how this information is displayed.

The screenshot shows the ECF system interface. At the top is a navigation bar with links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. Below this is the title "Attorney(s) added:" and a list of attorneys. The first entry is checked and shows: Appleby, Cornelius; Black, Thorndike and Appleby; 1923 E. Walnut Street; Indianapolis, IN 46204. Below this is the title "Alias(s) added:" and the text "None added." At the bottom are buttons for "Return to Party screen" and "Clear". A note on the right says: "Uncheck to remove from list."

Figure 9b

- ◆ Click on the **[Return to Party screen]** button.
- ◆ When the **PARTY INFORMATION** screen appears again, Click **[Submit]**.

**STEP 10**

The **PARTY SEARCH** screen appears again (See Figure 10.)



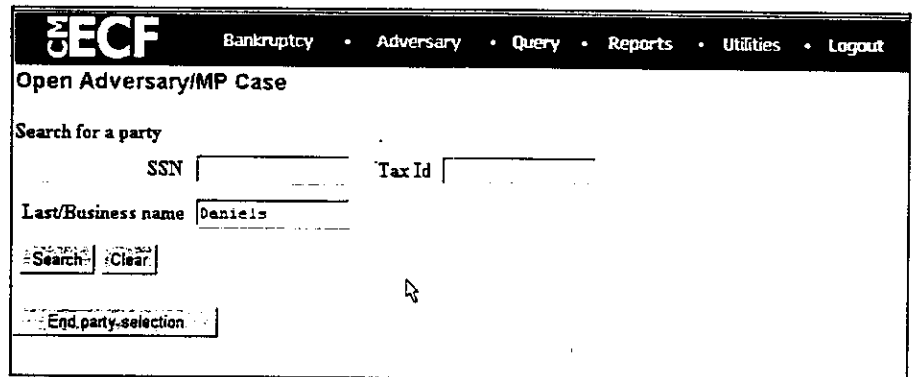


Figure 10

- ◆ Enter party information for the defendant Dale A. Daniels. Search by last name.

**STEP 11** When the **SEARCH RESULTS** screen appears, the party will be displayed because Dale Daniels is already a debtor on the bankruptcy case. (See Figure 11.)

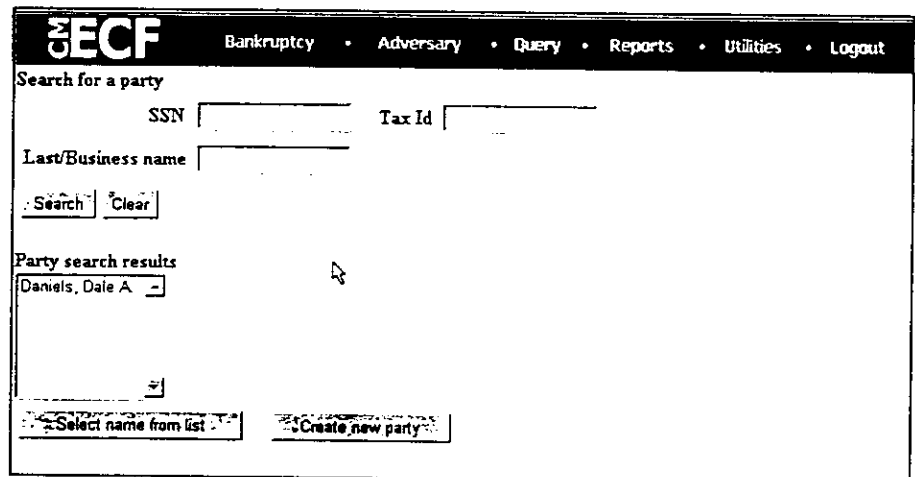


Figure 11

- ◆ Highlight the name and click on [Select name from list].

**STEP 12**

The **SEARCH RESULTS** screen appears next with this party's address as it is recorded in the database from the bankruptcy case. (See Figure 12.)

The screenshot shows the 'Party Information' form in the CM/ECF system. The form is for 'Dale A. Daniels' with SSN '301-42-6561'. It contains several input fields: 'Office' (empty), 'Address 1' (15103 Sun Trail), 'Address 2' (empty), 'Address 3' (empty), 'City' (Pleasantville), 'State' (IA), 'Zip' (54103), 'County' (Essex), 'Country' (empty), 'Phone' (empty), 'Fax' (empty), 'E-mail' (empty), 'ProSe' (no), and 'Role' (Unknown (unk:pty)). There is a 'Party text' field at the bottom. At the bottom of the form, there are buttons for 'Attorney', 'Alias', and 'Review', followed by a note: 'Add all attorneys and aliases before clicking the Submit button.'

Figure 12

- ◆ Follow your court's procedures for addresses for defendants. You must select the Party Role by clicking on the ▼ down arrow for the **Party Role** field. Highlight Defendant and click on **[Submit]**. The defendant's attorney information will be added at a later time.
- ◆ The Party Search screen will reappear. Since all parties have now been entered, click on **[End Party Selection]**. Statistical information will be entered on the next screen.

**STEP 13**

The system will then display the **ADVERSARY STATISTICAL** screen (See Figure 13a).

The screenshot shows the 'Open Adversary/MP Case' form in the ECF system. The form includes the following fields and values:

- Add judge:** Stresberg, Lillian
- Party code:** U.S. not a Party in the case
- Nature of suit:** 426 (Dischargeability 523)
- Origin:** original proceeding
- Transfer date:** (empty)
- Rule 23 (class action):** n
- Jury demand:** None
- Demand (\$000):** (empty)

At the bottom of the form are two buttons: 'NEXT' and 'Clear'.

Figure 13a

- ◆ Select the **Judge** to whom this case is assigned from the drop-down box.
- ◆ For the **Party code** field, make the appropriate selection from the list below. (See Figure 13b.) For this example, 3 US not a party in the case, is the correct selection.

The screenshot shows a drop-down list for the 'Party code' field. The list contains the following options:

- 3 U.S. Not a Party in the Case
- 1 U.S. is a Plaintiff
- 2 U.S. is a Defendant
- 3 U.S. Not a Party in the Case

The first and last options are highlighted.

Figure 13b

- ◆ Select the **Nature of Suit** for the case from the drop-down list, shown below. (See Figure 13c.) If there are multiple natures of suit in the proceeding, select only one.

The screenshot shows a drop-down list for the 'Nature of Suit' field. The list contains the following options:

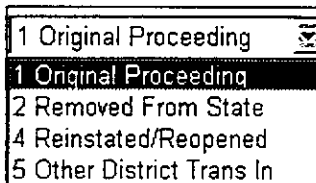
- 426 (Dischargeability 523)
- 424 (Obj/Revocation Discharge 727)
- 426 (Dischargeability 523)
- 434 (Injunctive Relief)
- 435 (Validity/Priority/Extent Lien)
- 454 (Recover Money/Property)
- 455 (Revoke Plan Confirmation)
- 456 (Declaratory Judgment)
- 457 (Subordinate Claim/Interest)
- 458 (Approval For Sale)
- 459 (Application For Removal)
- 498 (Other Action)

The third option, '426 (Dischargeability 523)', is highlighted.

Figure 13c

**NOTE:** If one of the multiple suits is a 727 Objection to Discharge, it is important to enter **424** as the first number.

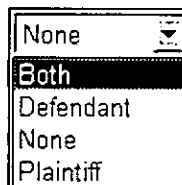
- ◆ The **Origin** code defaults to **1 Original Proceeding**. (See Figure 13d.) This setting is normally correct. Other values are:



1 Original Proceeding	▼
1 Original Proceeding	
2 Removed From State	
4 Reinstated/Reopened	
5 Other District Trans In	

Figure 13d

- ◆ Enter a **Transfer date** only if the case has been transferred in from another district.
- ◆ The default for the **Rule 23 (class action)** field is **n**. Select **y** if the proceeding is a class action.
- ◆ The default for the **Jury Demand** field is **None**. (See Figure 13e.) Make another selection from the values below, if appropriate.

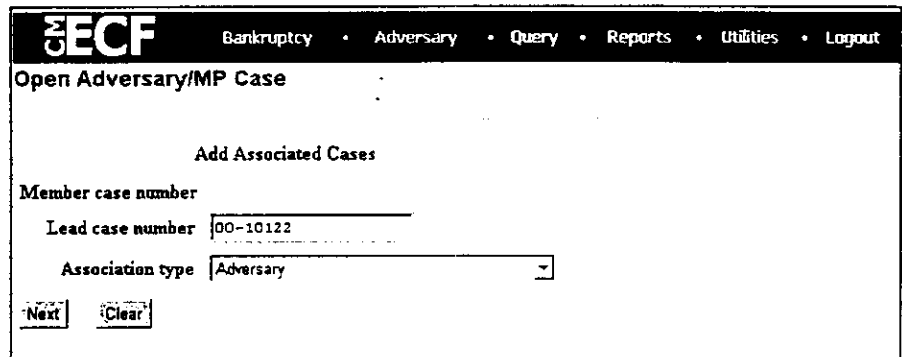


None	▼
Both	
Defendant	
None	
Plaintiff	

Figure 13e

- ◆ **Dollar Demand.** If there is a dollar demand, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is \$4550, \$5,000, or \$5499, you would enter 5 for \$5000, leaving off the 000.
- ◆ When this screen is correct, click **[Next]**.

**STEP 14** The ASSOCIATED CASES screen displays next. (See Figure 14.)



ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary/MP Case

Add Associated Cases

Member case number

Lead case number 00-10122

Association type Adversary

Next Clear

Figure 14

- ◆ Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen.

**NOTE:** If the case number is invalid or if the lead case does not reside on this database, an error message, "**YY-NNNNN is not a valid case. Please enter a valid value.**" is generated. You will not be able to proceed with the case opening process. Research the reason for the error.

**NOTE:** If you do not enter any number in the **Lead Case Number** field the system **will** allow you to proceed with case opening.

- ◆ Select the default of Adversary as the **Association Type**.
- ◆ Click **[Next]** to continue.

**STEP 15**

The **PDF DOCUMENT SELECTION** screen displays.  
(See Figure 15a.)

 No ☐ Yes'. At the bottom are 'Next' and 'Clear' buttons."/>

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary/MP Case

Select the pdf document (for example: CA199cv501-21.pdf).

Filename

nual\Working\PDF\_docs\complaint.pdf Browse...

Attachments to Document: ☐ No ☐ Yes

Next Clear

Figure 15a

- ◆ To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
  - Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located and select it with your mouse.
  - To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select **Open**. (See Figure 15b.)

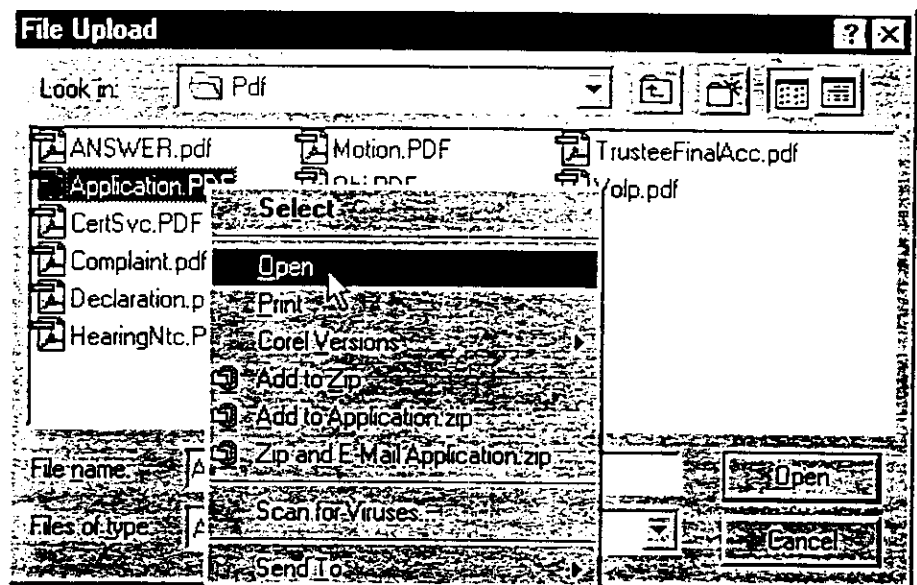


Figure 15b

- This will launch the Adobe Acrobat Reader displaying the contents of the imaged document. Verify that the document is

correct.

- Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box. (See Figure 15c.)

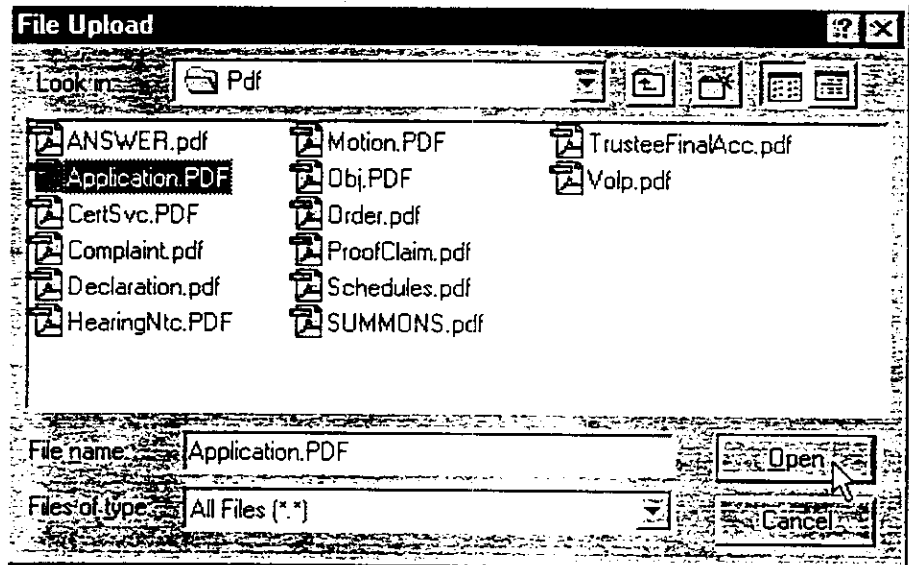


Figure 15c

- ◆ There will be no attachments in this exercise. Attachments will be covered in another lesson. Therefore, leave the default of **N** for no.
- ◆ Click **[Next]** to continue.

**STEP 16**

The **FILING FEE** screen will display prompts for **Fee** and **Receipt** information and possibly a reminder concerning §727 objections to discharge.<sup>1</sup> (See Figure 16.)

**Open Adversary/MP Case**

FOR COURT USERS ONLY: If this is a 727 Objection to Discharge, Docket the Flag Set-727 Objection to Discharge Event Next.

For Receipt #, Enter CC for Credit Card or O for Other Payment.

Receipt #:  Fee \$:

Figure 16

- ◆ Enter the receipt number, or **CC** if the payment is by credit card, or **O** for **Other payment**, (deferred, waived, etc.) The fee amount defaults to \$150.
  - ◆ Click [**Next**] to continue.
- STEP 17** The system will display the **MODIFY DOCKET TEXT** screen. (See Figure 17.)
- ◆ Additional description regarding the document can be added through the text editing window.
  - ◆ When the docket text is complete and accurate, click [**Next**].

**ECF** Bankruptcy • Adversary • Query • Reports • Utilities •

**Open Adversary/MP Case**

Docket Text: Modify as Appropriate.

426 (Dischargeability 523): Complaint by Cornelius Appleby on behalf of Financial Services, Inc against Dale Daniels . Receipt Number CC, Fee Amount (Stevens, Kate)

Figure 17

<sup>1</sup> CM/ECF usage often leads courts to consider new, more efficient business processes and information flows. In that planning, a court might address processes that relate to financial matters. Courts must recognize that CM/ECF is not a financial system and does not have extensive built-in financial audit features. Therefore, courts cannot overlook the necessity to incorporate appropriate safeguards into their financial processes.



**STEP 18** The **FINAL DOCKET TEXT** screen displays (See Figure 18.)

The screenshot shows the CM/ECF interface. At the top is a black menu bar with 'ECF' in large white letters, followed by links: 'Bankruptcy', 'Adversary', 'Query', 'Reports', and 'Utilities'. Below the menu bar, the text 'Open Adversary/MP Case' is displayed. Underneath, the 'Docket Text: Final Text' entry is shown, containing the text: '426 (Dischargeability 523): Complaint by Cornelius Appleby on behalf of Financial Services, Inc against Dale Daniels. Receipt Number CC, Fee Amount (Stevens, Kate)'. Below this text is a warning: 'Attention!! Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.' At the bottom of the form are two buttons: 'Next' and 'Clear'.

**Figure 18**

- ◆ Proofread this screen carefully! No further changes are allowed after this screen. If it is correct, click **[Next]**.
- ◆ If any part of the entry is incorrect, click the browser **[Back]** button to return to the screen you need to correct. Then process the screens again with the respective **[Next]** or **[Submit]** buttons.
- ◆ To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hypertext link on the **Menu Bar**.

**NOTE:** When an adversary is opened, the complaint information is spread over to the main bankruptcy case.

**STEP 19** The system then displays the **NOTICE OF ELECTRONIC FILING** screen. (See Figure 19a.)

**CM/ECF** Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

**Open Adversary/MP Case**

Notice of Electronic Filing

Case Name: Financial Services, Inc v. Daniels  
Case Number: 00-01044  
Document Number: 1  
Case Name: Dale Daniels  
Case Number: 00-10122  
Document Number: 2

Docket Text:  
426 (Dischargeability 523): Complaint by Cornelius Appleby on behalf of Financial Services, Inc against Dale Daniels. Receipt Number CC, Fee Amount (Stevens, Kate)

The following document(s) are associated with this transaction:

---

Document description: Main Document  
Original filename: O:\ECF\_Students\PDF Files\complaint.pdf  
Electronic document Stamp:  
{STAMP bkectStamp\_ID=981735245 [Date=11/1/2000] [FileNumber=3530-0] [5  
c11f4c43c533ef4e09278eed22e07330e365198eb1a66ad26d749b5c0eead99eb6aed  
32b5e0b970d1e85706186e25d4db1241185a82dce43e21a65bf20955f]}  
Document description: Main Document  
Original filename: O:\ECF\_Students\PDF Files\complaint.pdf  
Electronic document Stamp:  
{STAMP bkectStamp\_ID=981735245 [Date=11/1/2000] [FileNumber=3531-0] [2  
c6ff4b78dad0b8c5ee1a12b7f2dc175e7f0aa05c0dae3c95c414ec829062baf48410  
3ced887635349a884b281c9d37ff00f34f7580756e1a8ea447855ea]}  
00-01044 Notice will be electronically mailed to:  
00-01044 Notice will not be electronically mailed to:  
Cornelius Appleby  
Appleby, Sommers & Prince  
4123 e. Walnut Street  
Newark, NJ 07102

**Figure 19a**

- ◆ The **Notice of Electronic Filing** is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document.

**NOTE:** If an entry is backdated, the date and time will not appear on the notice of electronic filing.

- ◆ Further access to the **Notice of Electronic Filing** is available through the electronic docket report. When this option is selected,

a bullet appears next to the document number of the event on the docket report. (See Figure 19b.) Clicking on this bullet will display a copy of this notice. Attorney users must first login to the PACER program. (See Figure 19c.)

01/08/2001	3	Application to Pay Filing Fee in Installments. 01/08/2001)
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Figure 19b

- ◆ To print a copy of this notice, click the browser **[Print]** icon.
- ◆ To save a copy of this receipt, click **[File]** on the browser menu.
- ◆ Trustee and Attorney users will have access to the **Notice of Electronic Filing** at the time of their filing. Subsequent access to any Query or Report programs must go through the PACER system.
- ◆ When an attorney or other external filer selects a menu option from Reports, Query or the Claims Register, they will be presented with the Public Access to Electronic Records (PACER) screen. (See Figure 19c.) Users must already be registered with the PACER system to have a login and password. Note the information on the screen below.

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

301-6440.

An access fee of \$.07 per page, as approved by the Judicial Conference of the United States at its September 1998 session, will be assessed for access to this service. All inquiries will be charged to your PACER login that is kept on file. If you do not need filing capabilities, enter your PACER login and password. The Client code is provided to the PACER user as a means of tracking transactions by client. This code can be up to thirty two alphanumeric characters long.

**Authentication**

Login:

Password:

Client code:

☐ Make this my default PACER login

Login Reset

Figure 19c

- ◆ When a copy of the **Notice of Electronic Filing** is mailed to each subscriber on the case, the following message will display at the

top of the notice:

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\***

**You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

- ◆ At this screen, you can select a choice from the Main menu. For example, you can click on **Bankruptcy** or **Adversary** to open another case or file another document. If you are finished, click on **Logout**.